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UBER TECHNOLOGIES, INC. and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Case No. 3:17-cv-00939-WHA

Plaintiff,

**DECLARATION OF MARTHA L.
GOODMAN IN SUPPORT OF
DEFENDANTS' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
MOTION IN LIMINE NO. 24 AND
WAYMO'S BRIEF IN OPPOSITION
THERETO**

V.

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC

Defendants.

Judge: The Honorable William Alsup
Trial Date: October 10, 2017

1 I, Martha L. Goodman, declare as follows:

2 1. I am an attorney with the law firm of Boies Schiller Flexner LLP representing
 3 Defendants Uber Technologies Inc. and Ottomotto LLC (collectively, “Uber”) in this matter. I
 4 make this declaration based upon matters within my own personal knowledge and if called as a
 5 witness, I could and would competently testify to the matters set forth herein. I make this
 6 declaration in support of Defendants’ administrative motion for an order to file under seal
 7 portions of the briefing and certain exhibits to Defendants’ Motion *in Limine* No. 24 and
 8 Waymo’s Brief in Opposition to Defendants’ Motions *in Limine* No. 24.

9 2. I have reviewed the following exhibits and only the portions identified below merit
 10 sealing:

Document	Portions to Be Filed Under Seal	Designating Party
DEFENDANTS’ OPENING MIL MATERIALS		
Defendants’ Motion <i>in Limine</i> No. 24 (“MIL 24”)	Highlighted Portions	Plaintiff (green)
Exhibit 8	Entire Document	Plaintiff
Exhibit 10	Highlighted Portions	Plaintiff (green)
Exhibit 12	Entire Document	Plaintiff
WAYMO’S OPPOSITION MATERIALS		
Plaintiff Waymo LLC’s Opposition to Defendants’ Motion In Limine No. 24 (“Waymo’s Opposition to Defendants’ MIL 24”)	Highlighted Portions	Plaintiff (green) Defendants (blue)
Exhibit 1 to the Declaration of Jeff Nardinelli (“Nardinelli Decl.”)	Entire Document	Defendants
Exhibit 2 to the Nardinelli Decl.	Highlighted Portions	Defendants (blue)
Exhibit 3 to the Nardinelli Decl.	Highlighted Portions	Defendants (blue)
Exhibit 4 to the Nardinelli Decl.	Highlighted Portions	Plaintiffs (green) Defendants (blue)

23 **DEFENDANTS’ MIL MATERIALS**

24 3. The highlighted portions of MIL 24 and of Exhibit 10 and the entirety of Exhibits 8
 25 and 12, contain information that Waymo designated or considers “Confidential” and/or “Highly
 26 Confidential – Attorneys’ Eyes Only” pursuant to the Protective Order in this case, or that
 27 Waymo asked Uber to file under seal.

WAYMO'S OPPOSITION MATERIALS

2 4. The blue highlighted portions of Waymo’s Opposition to Defendants’ MIL 24,
3 Exhibits 2, 3 and 4, and the entirety of Exhibit 1 to the Nardinelli Declaration contain confidential or
4 highly confidential information regarding Uber’s LiDAR development and autonomous vehicle
5 business strategy. This information is not publicly known, and its confidentiality is strictly
6 maintained. Disclosure of this information could allow competitors to obtain a competitive advantage
7 over Uber by giving them details into Uber’s internal development of LiDAR and business plans for
8 autonomous ridesharing, which would allow competitors to understand Uber’s LiDAR development
9 and autonomous vehicle business strategy, and allow them to tailor their own strategy. If such
10 information were made public, Uber’s competitive standing could be significantly harmed.

11 5. The green highlighted portions of Waymo’s Opposition to Defendants’ MIL 24 and
12 of Exhibit 4 to the Nardinelli Declaration contain information that Waymo designated or
13 considers “Confidential” and/or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the
14 Protective Order in this case, or that Waymo asked Uber to file under seal.

* * *

16 6. Uber’s request to seal is narrowly tailored to the portions of Defendants’ motions
17 *in limine* and its supporting papers, as well as to the portions of Waymo’s brief in opposition to
18 Defendants’ motions in limine and Waymo’s supporting papers, that merit sealing.

19 I declare under penalty of perjury that the foregoing is true and correct. Executed this
20 13th day of September, 2017 at Washington, D.C.

Dated: September 13, 2017

BOIES SCHILLER FLEXNER LLP

By: /s/ Martha L. Goodman
Martha L. Goodman

ATTESTATION OF E-FILED SIGNATURE

I, Karen L. Dunn, am the ECF User whose ID and password are being used to file this document. In compliance with General Order 45, X.B., I hereby attest that Martha L. Goodman has concurred in this filing.

Dated: September 13, 2017

/s/ Karen L. Dunn

Karen L. Dunn